

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

# Public Notice

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 200400270

Date: March 12, 2004

Notice No. 04-13

Closing Date: April 1, 2004

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: Apex Energy, Inc.  
P.O. Box 1298  
Steubenville, OH 43952  
  
AGENT: Environmental Consulting & Planning  
Services  
206 Scarborough Drive  
Cheswick, PA 15024
3. LOCATION: in unnamed tributaries to Goose Creek and adjacent wetlands, in Springfield Township, Jefferson County, Ohio.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct a 117-acre licensed sanitary landfill facility to provide an environmentally protective means for surrounding communities to dispose of their solid waste. The proposed landfill would be located within 1,285 acres of land which is owned by the applicant. This project was previously authorized under Nationwide Permit 26 which has expired. The wetland delineation identified 8.29 acres of jurisdictional wetlands and 1.61 acres of isolated wetlands. Actual construction of the landfill would impact a total of 4.80 acres of wetlands, which includes 3.79 acres of jurisdictional wetlands and 1.01 acres of isolated wetlands. Nine wetland areas would be impacted by excavation and fills required for liners and site drainage controls. The wetlands are moderate to low quality, depressional wetlands located within the proposed landfill construction site or within a minimum of 200 feet of the limits of solid waste placement. Two unnamed tributaries to Goose Creek would be impacted for the purpose of construction of the sedimentation ponds as well as the landfill. These streams are of poor quality due to the strip mining that took place in the past, and are now sources of acid mine drainage. The applicant will not replace these impacted streams. Design of the sedimentation and stormwater management ponds on the property will be accomplished to convey flow volumes similar to pre-construction conditions to the downstream reach of each affected stream channel. After evaluation of the apparent distribution of regulated wetlands and waters on the applicant's property, the applicant has confirmed that construction of a landfill with similar capacity and geometry cannot be

constructed anywhere else on the 1,285 acre property with fewer wetlands and waters impacted. The 3.79 acres of jurisdictional wetlands impacted includes both Category 1 and Category 2 wetlands; however, all wetlands are non-forested. Mitigation for these wetlands would be at a ratio of 1.5:1 and would be created on-site. The total size of replacement wetlands for the 3.79 acres of impact to jurisdictional wetlands would be 5.70 acres. Selected material taken from the excavated wetlands may be used in the proposed mitigation wetland area. The mitigation area would be monitored for a minimum of five years and monitoring reports would be prepared and submitted to the appropriate agencies as required. The applicant proposes to mitigate for the 1.01 acres of isolated wetland, as required by the Ohio Environmental Protection Agency, by contributing to a mitigation bank. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)  
Section 401 Coordinator  
P.O. Box 1049  
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

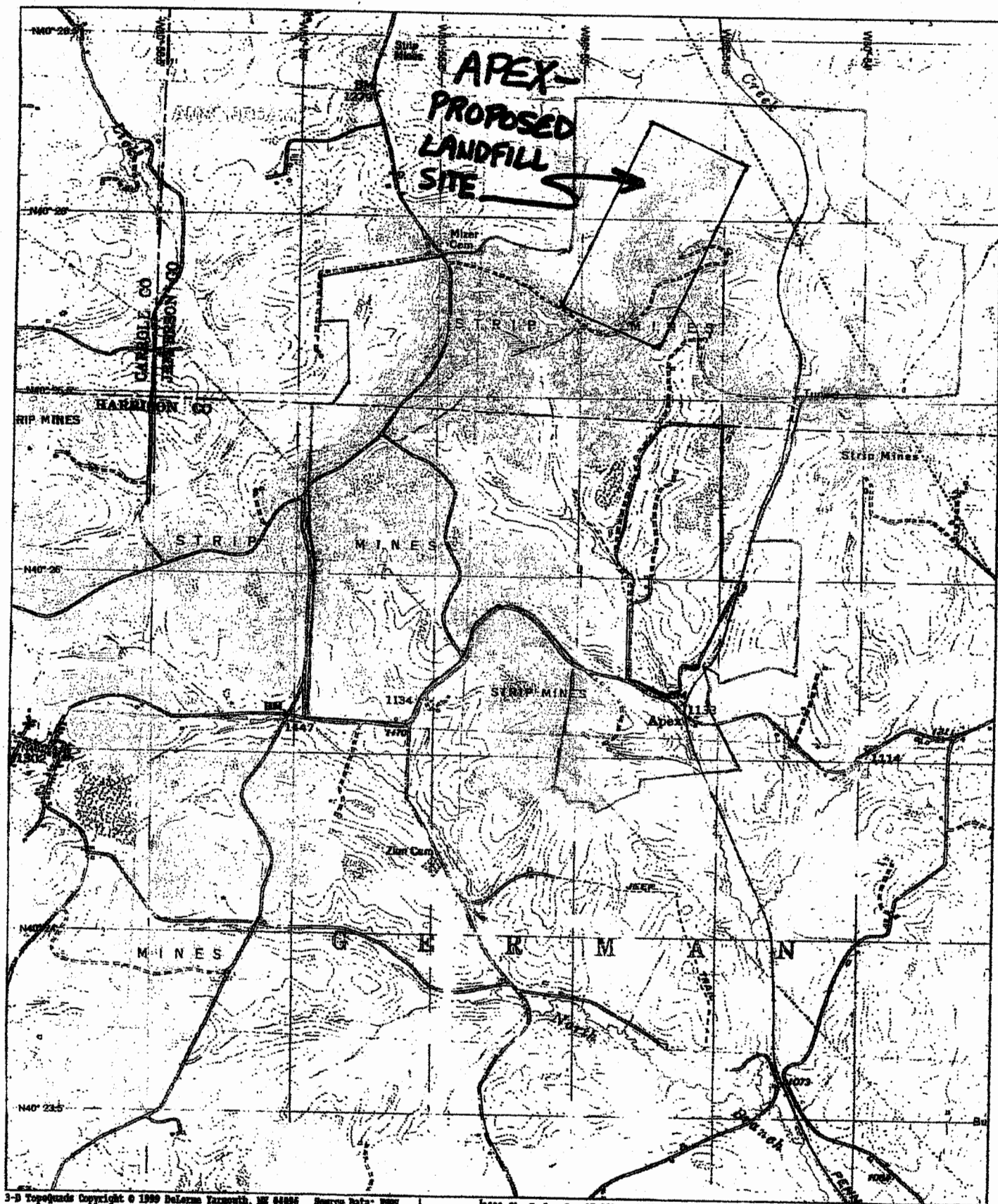
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Linda Malsch, at the above address, by telephoning (412) 395-7157, or by e-mail at [linda.m.malsch@usace.army.mil](mailto:linda.m.malsch@usace.army.mil). Please refer to CELRP-OR-F 200400270 in all responses.

FOR THE DISTRICT ENGINEER:

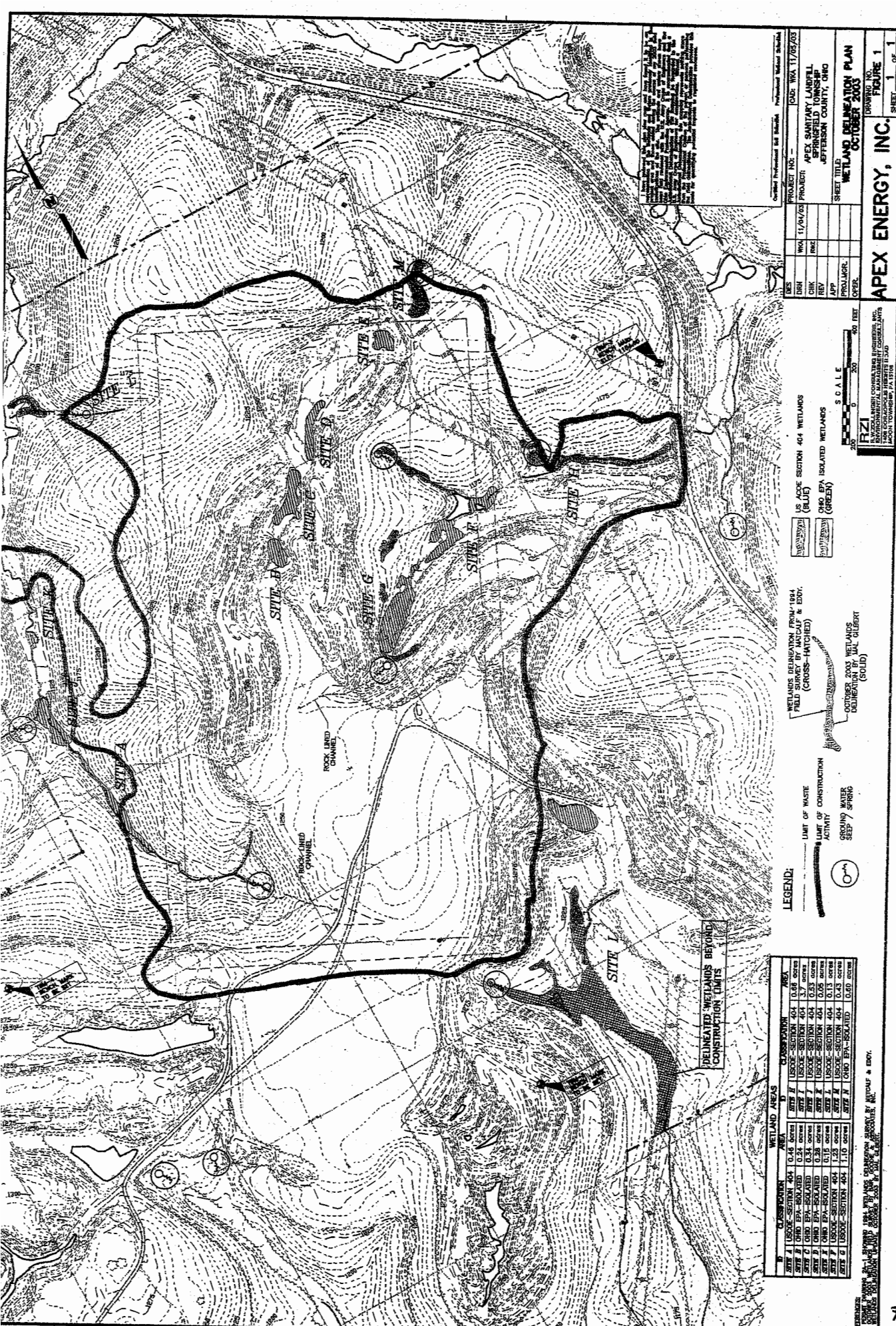
/signed/

Albert H. Rogalla  
Chief, Regulatory Branch

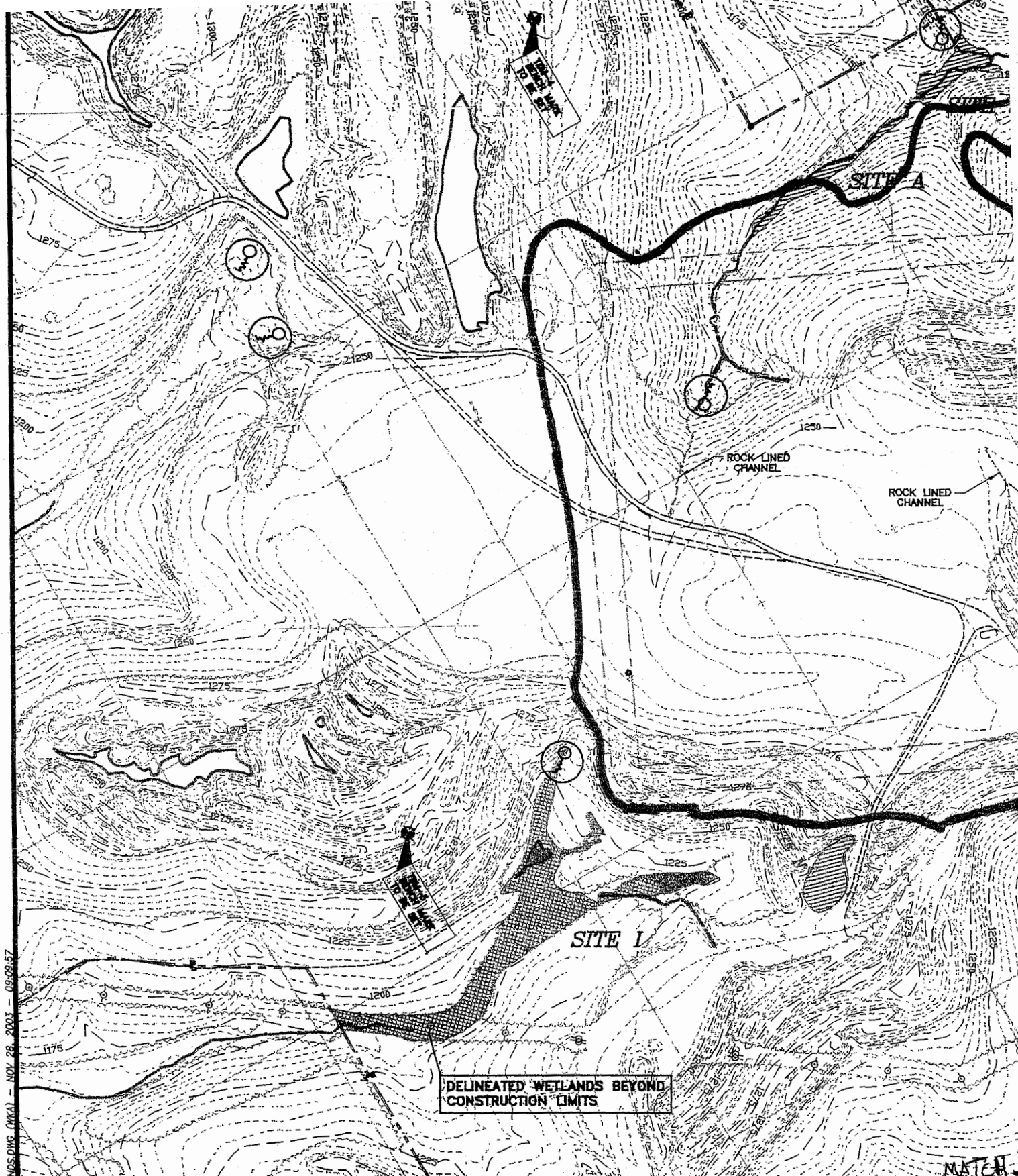


REFERENCE: AMSTERDAM, OHIO 7.5 MIN.  
USGS QUADRANGLE

# 200400270







WETLAND AREAS					
ID	CLASSIFICATION	AREA	ID	CLASSIFICATION	AREA
SITE A	USCOE-SECTION 404	0.46 acres	SITE H	USCOE-SECTION 404	0.66 acres
SITE B	OHIO EPA-ISOLATED	0.24 acres	SITE I	USCOE-SECTION 404	3.7 acres
SITE C	OHIO EPA-ISOLATED	0.34 acres	SITE J	USCOE-SECTION 404	0.53 acres
SITE D	OHIO EPA-ISOLATED	0.28 acres	SITE K	USCOE-SECTION 404	0.05 acres
SITE E	OHIO EPA-ISOLATED	0.15 acres	SITE L	USCOE-SECTION 404	0.13 acres
SITE F	USCOE-SECTION 404	1.23 acres	SITE M	USCOE-SECTION 404	0.43 acres
SITE G	USCOE-SECTION 404	1.10 acres	SITE N	OHIO EPA-ISOLATED	0.60 acres

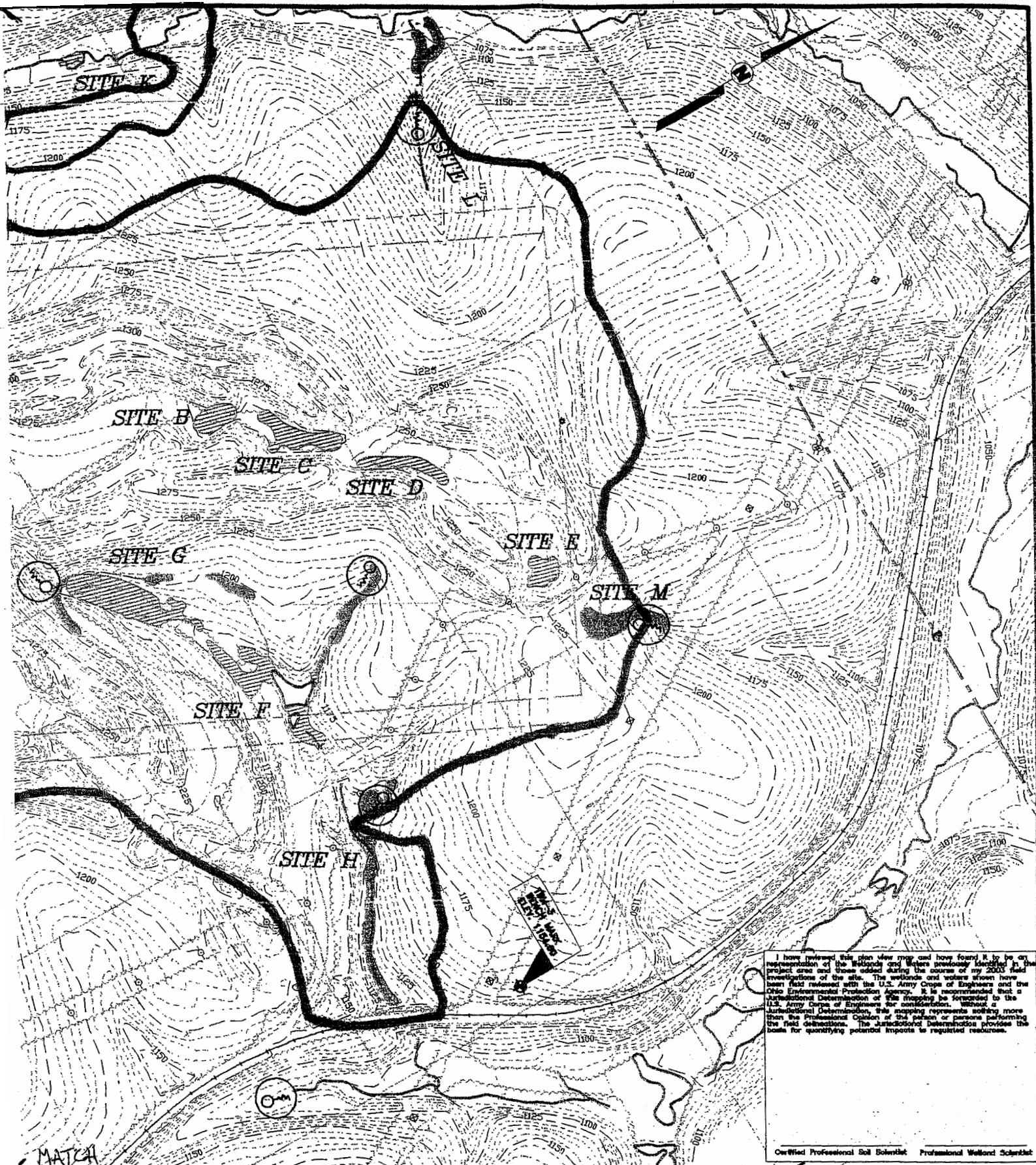
**LEGEND:**

- LIMIT OF WASTE
- LIMIT OF CONSTRUCTION ACTIVITY
- GROUND WATER SEEP / SPRING
- WETLAND DELINEATION

REFERENCES:  
 1. PERMIT DRAWING 2A-1 SHOWING 1994 WETLANDS DELINEATION SURVEY BY METCALF & EDDY.  
 2. OCTOBER 2003 WETLANDS FIELD SURVEY BY BAIR, GOODIE & ASSOCIATES, INC.  
 3. WETLANDS DELINEATION UPDATE, OCTOBER 2003 BY MAL GILBERT.

# 200400270



G:\PROJECTS\APEX\VOUCHER-WETLANDS.DWG (WK6) - NOV 28, 2003 - 09:08:57



I have reviewed this plan view map and have found it to be an accurate representation of the Wetlands and Waters previously identified in the project area and those added during the course of my 2003 field investigations of the site. The wetlands and waters shown have been field reviewed with the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency. It is recommended that a Jurisdictional Determination of this mapping be forwarded to the U.S. Army Corps of Engineers for consideration. Without a Jurisdictional Determination, this mapping represents nothing more than the Professional Opinion of the person or persons performing the field delineations. The Jurisdictional Determination provides the basis for quantifying potential impacts to regulated resources.

Certified Professional Soil Scientist Professional Wetland Scientist

WETLANDS DELINEATION FROM 1994 SURVEY BY MATCHA & EDDY. (CROSS-HATCHED)

-  US ACOE SECTION 404 WETLANDS (BLUE)
-  OHIO EPA ISOLATED WETLANDS (GREEN)

2003 WETLANDS DELINEATION BY MAL GILBERT (SOLID)



**RZI**  
R.W. ZOLLINGER CONSULTING ENGINEERS, INC.  
ENVIRONMENTAL MANAGEMENT CONSULTANTS

DES		
DRN	WKA	11/04/03
CHK	RWZ	
REV		
APP		
PROJ.MGR.		
OPER.		

PROJECT NO: --	CAD: WKA 11/05/03
PROJECT: APEX SANITARY LANDFILL SPRINGFIELD TOWNSHIP JEFFERSON COUNTY, OHIO	
SHEET TITLE: <b>WETLAND DELINEATION PLAN OCTOBER 2003</b>	

**APEX ENERGY INC.**

DRAWING NO. **FIGURE 1**

#200400270